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DE RUCNDT #1091/01 3241439  
ZNR UUUUU ZZH  
P 191439Z NOV 08  
FM USMISSION USUN NEW YORK  
TO RUEHC/SECSTATE WASHDC PRIORITY 5398  
INFO RUEHGG/UN SECURITY COUNCIL COLLECTIVE PRIORITY

UNCLAS USUN NEW YORK 001091

SIPDIS

E.O. 12958: N/A

TAGS: [PARM](#) [PREF](#) [PREL](#)

SUBJECT: UN/COUNTERTERRORISM: 1267, CTC, AND 1540 COMMITTEE  
CHAIRS BRIEF SECURITY COUNCIL IN PUBLIC SESSION.

¶1. (U) Summary: The Chairs of the UN Security Council's Counter-Terrorism Committee (CTC), 1267 (Al-Qaida/Taliban) Sanctions Committee, and 1540 Committee on Nonproliferation briefed the Council in a public meeting on November 12. The Chairs described their respective committee's accomplishments since May, outlined their future plans and noted increased cooperation amongst the three. Following the briefings, Security Council members France, United States, Italy, Russia, United Kingdom, China, Burkina Faso, Vietnam, Panama, Indonesia and South Africa spoke. Australia, Switzerland, Japan, Cuba, Israel and Venezuela also made statements. USUN Alternate Representative for Special Political Affairs, Ambassador Rosemary DiCarlo, delivered a statement in accordance with Department instructions. Most speakers supported recent modifications to the 1267 Committee procedures, including new "fair and clear" procedures for listing, de-listing, and reviewing names subject to sanctions. Several speakers welcomed the publication of summary explanations for sanctions. The CTC noted the analysis of preliminary implementation assessments (PIA's). The 1540 Committee highlighted its report, adopted in July, on Member States' development of new institutional mechanisms, legislation and enforcement measures. According to the Chair, the report's data demonstrate qualitative progress toward implementation of UNSCR 1540, although more work is needed. Venezuela and Cuba spoke about the case of Luis Posada-Carriles, as expected. End Summary.

Discussion on the 1267 Committee

¶2. The presentation of the 1267 Committee Chair (Belgium) focused on the Committee's work to implement the new procedures for listing/delisting names that were mandated in UNSCR 1822 (adopted in June), reviewing the names on the Committee's Consolidated List, and posting "narrative summaries" of reasons for listing. Most Council member statements in response focused on these enhancements, with all members (except, notably, Russia) emphasizing the need for due process and "fair and clear" procedures. France (representing the EU) stressed that the UN must continue considering human rights and the rule of law, and welcomed UN leadership in finding proper ways to implement sanctions in the wake of the recent European Court of Justice decision on the 1267 sanctions (Qadi/Barakaat). The United States, Japan, Italy and Israel, in addition to highlighting recent due process developments and concerns, asserted the necessity and political importance of maintaining the 1267 sanctions regime. The other delegations lauded the recent developments in procedure resulting from UNSCR 1822, and encouraged Member States to abide by its provisions, principally by relaying information to the Committee to keep the Consolidated List updated consistently. Switzerland (also representing Liechtenstein), however, raised its major concern that UNSCR 1822 achieved no progress on certain deficiencies, including the lack of an independent review mechanism for listing procedures. Further, Switzerland warned that if procedural progress were not made, its support for sanctions in the future would erode.

## DISCUSSION ON THE CTC (1373)

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¶13. Several speakers expressed support for the Counter-Terrorism Committee Executive Directorate's targeted visits. To date, the CTC has adopted 188 PIA's. The Chairman said that the CTC expects to formally approve the remaining five PIA's over the next few months. The Chairman also said that the CTC has endorsed a proposal to conduct a stocktaking of each Member State's implementation of resolution 1373.

## DISCUSSION ON THE 1540 COMMITTEE

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¶14. The Chairman of the 1540 Committee, Ambassador Jorge Urbina, said that the Committee's second report on the status of implementation of UNSCR 1540 had been adopted in July and noted some of the report's enforcement provisions including new institutional means and legislation. Urbina also commented that 159 States had submitted the first reports required by the resolution. Many speakers confirmed the importance of technical assistance to enhance compliance with resolution 1540.

## ACCUSATIONS BY VENEZUELA AND CUBA

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¶15. As in previous open meetings, Venezuela and Cuba both accused the United States of failing to comply with its obligations under counter terrorism resolutions by providing safe haven to Luis Posada-Carriles. USUN responded, using

Department guidance. Taking the floor a second time, Cuba further alleged that Posada worked for the CIA and that this was the reason that the United States refused to try him for terrorist acts, or extradite him.

¶16. Cuba also accused the United States of injustice in the case of the five Cubans who were tried and convicted of spying. Cuba claimed that these "five heroes" had been working against terrorism in Miami. Cuba noted that a working group on arbitrary arrest convened by the United Nations had declared the arrest of these five men to be arbitrary. USUN responded with department guidance, noting that none of the men had ever denied the charges of spying. The U.S. representative continued that these five men had received rights of due process for which citizens of Cuba are still waiting.

¶17. The Venezuelan representative said that his country had made a request to the U.S. government for Posada's extradition that falls within the extradition agreement in three treaties. He asked why those treaties had not been honored, saying that Venezuela would continue to appeal for the cause to prosecute Posada. In its response, USUN noted that the rights afforded to a defendant in the United States do not permit extradition if there is probability that the defendant will be tortured. USUN reiterated that Posada is in the United States without legal status and that the United States is pursuing his removal in accordance with immigration regulations.  
Khalilzad